

REMARKS

Claims 1, 2, 4-6, 11-13, 17-19, 21-25, 35-37, 42, and 56-76 are pending, with claims 1, 65, and 72 being independent. Claims 3, 7-10, 14-16, 20, 26-34, 38-41, and 43-55 have been cancelled. Claims 1, 2, 11-13, 17-19, 21-25, 35-37, and 42 have been amended. Claims 56-76 have been added. No new matter has been introduced.

Interview Summary

Applicant thanks Examiner Champagne for the courtesies extended to applicant's representatives during the telephonic interview conducted on December 17, 2008. During the interview, the rejection of independent claim 1 under 35 U.S.C. § 101 and 35 U.S.C. § 102 was discussed. A summary of the interview is incorporated into the remarks below.

Claim Rejections - 35 U.S.C. § 101

Claims 1-46 have been rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claims 3, 7-10, 14-16, 20, 26-34, 38-41, and 43-46 have been cancelled. Independent claim 1, as amended, recites, "storing, on a computer storage medium, the first information item and the first targeted ad item." As such, the process of amended independent claim 1 has been tied to another statutory class. Accordingly, applicant respectfully requests reconsideration and withdrawal of this rejection of amended independent claim 1 and its dependent claims.

Applicability of 35 U.S.C. § 112, 6th Paragraph

The Office Action contends that the specification does not “recite explicit physical structural limitations for the means-plus-function language in” claims 47-55. Without conceding the correctness of this contention, claims 47-55 have been cancelled, which renders this rejection moot.

Claim Rejections - 35 U.S.C. § 102

Claims 1-20, 23, 24, 26-30, 33-51, and 53-55 have been rejected under 35 U.S.C. § 102 as being anticipated by Sheth (U.S. Patent No. 6,311,194). Applicant respectfully requests reconsideration and withdrawal of this rejection because Sheth does not describe or suggest, at least, receiving a first information item of a channel in a syndicated format, the first information item including a first title, a first link, and a first description, the channel including a channel title, a channel link, and a channel description; receiving a first targeted ad item in the syndicated format, the first targeted ad item including a first targeted ad title, a first targeted ad link, and a first targeted ad description; and inserting the first targeted ad item adjacent to the first information item in the channel in the syndicated format, as recited in amended independent claim 1.

Rather, Sheth discloses two forms of semantic advertising. *See* Sheth at col. 16, lines 5-6. The first type involves an internal database of advertisements. *See* Sheth at col. 16, lines 6-10. The second type involves sending user queries in an XML string to an external advertisement provider. *See* Sheth at col. 16, lines 37-42. The external advertisement provider then returns a URL reference to a semantically targeted advertisement. *See* Sheth at col. 16,

lines 42-44. When a user chooses to play an audio or video file in a query result, a player for the media as well as an additional Web browser including the targeted advertisement is created. *See* Sheth at col. 16, lines 46-55.

Therefore, in short, Sheth does not describe or suggest receiving or processing an information item in a syndicated format. The Office Action contends that a “syndicated format” is non-functional descriptive material and does not give “syndicated format” patentable weight. *See* Office Action mailed September 29, 2008 at page 3. As discussed in the interview, applicant respectfully submits that “syndicated format” be given patentable weight because the first information item and the first targeted ad item in the syndicated format are functionally interrelated to the statutory method of amended independent claim 1. *See, generally, In re Miller*, 418 F.2d 1392, 1396, 164 USPQ 46, 48-49 (CCPA 1969) (“The fact that printed matter by itself is not patentable subject matter, because non-statutory, is no reason for ignoring it when the claim is directed to a combination.”) (emphasis added); *see also* MPEP § 2106.01(II) (“Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101.”).

Moreover, Sheth does not describe or suggest receiving an item having a title, a link, and a description. As such, Sheth does not describe or suggest receiving a first information item of a channel in a syndicated format, the first information item including a first title, a first link, and a first description, the channel including a channel title, a channel link, and a channel description, receiving a first targeted ad item in the syndicated format, the first targeted ad item including a

first targeted ad title, a first targeted ad link, and a first targeted ad description, as recited in amended independent claim 1.

Furthermore, because Sheth does not describe or suggest a first information item or a first targeted ad item in the syndicated format, it follows that Sheth also does not describe or suggest inserting the first targeted ad item adjacent to the first information item in the channel in the syndicated format, as recited in amended independent claim 1.

In addition, the Office Action contends that the specification does not include a clear definition for “channel” and “additional ad” and does not give either of the two terms patentable weight. *See* Office Action mailed September 29, 2008 at page 4. Applicant respectfully disagrees. The specification clearly describes a channel including, for example, multiple items and multiple ads at least in connection with FIGS. 8-16. Therefore, “channel,” as recited in amended independent claim 1, must be given patentable weight.

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of this rejection of amended independent claim 1 and its dependent claims.

Claim Rejections—35 U.S.C. § 103

Claims 21, 22, and 25 have been rejected as being unpatentable over Sheth in view Official Notice. The Office Action acknowledges that “Sheth does not teach targeting ads by geography or URL.” *See* Office Action mailed September 29, 2008 at page 4. Instead, the Office Action takes official notice with respect to these limitations by conclusorily stating that “these were common means of targeting ads at the time of the instant invention.” *See* Office Action mailed September 29, 2008 at page 4. “[R]ejections on obviousness cannot be sustained

by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” See MPEP § 2143.01(IV) (*citing KSR International Co.*, 550 U.S. at ___, 82 USPQ2d at 1396, *quoting In re Kahn*, 441 F.3d at 988, 78 USPQ2d at 1336) (emphasis added).

Therefore, to the extent that this rejection is maintained, applicant traverses the official notice taken and request evidentiary support demonstrating the contention that targeting ads by geography or a link “were common means of targeting ads at the time of the instant invention.” See MPEP § 2144.03 (“If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained.”).

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 21, 22, and 25.

New Claims

Claims 56-64

New claims 56-64 depend from amended independent claim 1. At least for the reason of that dependency and the reasons noted above with respect to amended independent claim 1, applicant respectfully submits that new claims 56-64 are allowable. Because each claim recites additional features, however, the individual consideration of each new claim on its own merits is respectfully requested.

Claims 65-71

New independent claim 65 recites, in part, generating a first information item in a syndicated format, the first information item including a first title, a first link, and a first description; generating a first targeted ad item in the syndicated format, the first targeted ad item including a targeted ad title, a targeted ad link, and a targeted ad description; and inserting the first targeted ad item adjacent to the first information item to generate a channel including the first information item and the first targeted ad item in the syndicated format, the channel including a channel title, a channel link, and a channel description.

Accordingly, for at least reasons similar to those discussed above in connection with amended independent claim 1, applicant respectfully submits that new independent claim 65 and its dependent claims are allowable.

Claims 72-76

New independent claim 72 recites, in part, a system being configured to receive a first information item of a channel in a syndicated format, the first information item including a first title, a first link, and a first description, the channel including a channel title, a channel link, and a channel description; receive a first targeted ad item in the syndicated format, the first targeted ad item including a first targeted ad title, a first targeted ad link, and a first targeted ad description; and insert the first targeted ad item adjacent to the first information item in the channel in the syndicated format.

Accordingly, for at least reasons similar to those discussed above in connection with amended independent claim 1, applicant respectfully submits that new independent claim 72 and its dependent claims are allowable.

Conclusion

Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Nelson Minar
Serial No. : 10/750,361
Filed : December 31, 2003
Page : 22 of 22

Attorney's Docket No.: 16113-0761001 / GP-064-07-
US

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Respectfully submitted,

Date: December 29, 2008

/Hussein Akhavannik/
Hussein Akhavannik
Reg. No. 59,347

Customer No. 26171
Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (202) 783-2331